

# EPA's Responses to Issues Raised During August 11, 2010 EJ Policy Discussion in Los Angeles, CA January 27, 2011

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## INTRODUCTION

The following list of requests is the result of a dialogue between EPA Region 9 Administrator Jared Blumenfeld, EJ Senior Advisor to the Administrator Lisa Garcia, members of Region 9's Senior Leadership Team, and 18 leaders from Los Angeles, California and the surrounding area. See Appendix 1 for a list of participants in either the dialogue, the preceding day's community tour or in planning calls.

## REQUESTS – GOODS MOVEMENT IMPACTS

### 1. Cancer dose-response factor for diesel exhaust

Using the Administrator's authority under the Clean Air Act, the EPA should initiate a process to conduct a scientific review to determine the designation of diesel engine exhaust as a cancer causing material and develop a unit cancer risk/quantitative cancer dose-response factor/unit risk factor to estimate the potency of exposure to diesel exhaust. This process and review should include the Science Advisory Board (SAB), The National Center for Environmental Assessment (NCEA), the Clean Air Scientific Advisory Committee (CASAC) and an Environmental Justice Stakeholders Group. This process and review should also consider whether diesel engine exhaust could legally be or should be designated as a hazardous air pollutant and the implications thereof. EPA scientists should review recent studies:

- Japanese studies of gaseous phase showing endocrine disruptor-like effects
- PM 2.5: cardiovascular effects, i.e. lung cancer, premature mortality
- Studies on rail road workers with COPD
- Studies showing elderly women more at risk for heart disease when exposed to diesel exhaust

EPA's PM 2.5 standards do not cover all of the diesel "hot spots," that need special attention *beyond* PM 2.5.

Felt offended by EPA responses to NEJAC goods movement recommendations

*Response: EPA continues to support scientific studies examining the links between exposure to diesel engine exhaust and adverse health effects. There is not sufficient new evidence to re-evaluate the cancer dose-response for diesel exhaust at this time. Dose-response evaluations*

are performed by EPA's National Center for Environmental Assessment, part of the Office of Research and Development (Contact: Charles Ris, 703-347-8603, [Ris.Charles@epa.gov](mailto:Ris.Charles@epa.gov)).

## **2. Require Diesel Particulate Filters (DPFs) for remanufactured diesel locomotives**

EPA should use its authority under the Clean Air Act to more stringently regulate diesel emissions from re-manufactured diesel locomotives. This regulation should require the reduction of diesel particulates, requiring the application of DPFs that achieve 85% control or better.

*Response: in Progress*

## **3. Explore CAA authority to regulate mobile sources that act in practice as stationary sources**

EPA should explore its authority under the Clean Air Act to regulate sources that have been defined as mobile sources, but are in practice acting as stationary sources. For example, emissions from locomotive engines at the maintenance facilities in rail yards are spatially defined and predictable, and should be considered stationary sources. Similarly, switcher locomotives, yard hostlers, and gantry cranes operate entirely within a rail yard boundary and should be considered as an emissions source at the "stationary" rail yard facility. We would like to see a legal analysis of whether EPA, states and local air districts can regulate most of a rail yard or parts of a rail yard as a stationary source.

*Response: in Progress*

## **4. National Environmental Justice Advisory Council (NEJAC) Goods Movement Working Group should receive EPA's response directly**

Was EPA's response to the NEJAC's recommendation provided to the NEJAC working group members?

*Response: EPA and the NEJAC have not routinely provided workgroup members with EPA responses but will do so in the future and have sent the goods movement response to the workgroup members. Contact: Victoria Robinson, Designated Federal Official for the NEJAC, Office of Environmental Justice, [robinson.victoria@epa.gov](mailto:robinson.victoria@epa.gov), (202 564-6349).*

*EPA's Response to the NEJAC Goods Movement Report is online at <http://www.epa.gov/compliance/ej/resources/publications/nejac/epa-resp-nejac-goods-movement-2009.pdf>.*

## **5. Need faster and deeper reductions from federal train, ship and truck sources**

Federally regulated sources - trains, ships, and trucks - are the primary cause of the environmental justice problems we observed at the San Pedro ports. We need EPA to secure faster and deeper reductions in diesel and other air pollution emissions from these sources.

*Response: The Clean Air Act (CAA) takes a comprehensive approach to reducing pollution from heavy-duty diesel engines by requiring manufacturers to build cleaner engines for new vehicles; refiners to produce cleaner fuels; and certain areas with air pollution problems to adopt and run passenger vehicle inspection and maintenance programs. The CAA also requires us to set heavy-duty engine standards that reflect the greatest degree of emission reduction achievable through the application of available technology. EPA has issued a series of regulations affecting passenger cars, diesel trucks and buses, and nonroad equipment (recreational vehicles, construction, locomotives, marine, etc.) that will dramatically reduce emissions as new vehicles and equipment are purchased. EPA has issued rules to cut emissions*

*from onroad and nonroad vehicles by more than 90 percent by combining stringent emissions standards for diesel engines and clean, and ultra-low sulfur diesel fuel.*

*In March 2008, U.S. EPA adopted more stringent emission standards for locomotive and marine engines that will dramatically reduce emissions of diesel particulate matter (PM) and nitrogen oxide (NOx). The three part program 1) tightened emission standards for existing locomotives and large marine engines when they are remanufactured, 2) set new emission standards for newly built engines (Tier 3 standards) using available technology to reduce emission that went into effect in 2009, and 3) set a long term standard (Tier 4), which will apply to all newly built engines beginning in 2015. Tier 4 emission standards cannot be met by current engine technology and will require the development of new high-efficiency catalytic after treatment technology. Together, these new standards are estimated to reduce PM emissions by 90% and NOx emissions by 80% compared to engines meeting the 2008 standards.*

*Addressing the emissions from older locomotives takes the collaborative efforts of state, local, and federal agencies. The California Air Resources Board has worked on a series of agreements with BNSF and UP railroad companies to accelerate the emission reductions at the most heavily impacted rail yards in California.*

*EPA does not regulate vehicles already in use, however the Diesel Emissions Reduction Act (DERA) and Recovery Act grant programs have contributed \$37.8 million towards port, truck and rail DERA projects in Los Angeles, Riverside, and San Bernardino counties. These EPA grant funds have helped to leverage an additional \$66,160,974 from project partners to implement diesel reduction projects. These projects have resulted in significant, ongoing diesel emission reductions of 49 tons per year of PM and 906 tons of NOx per year.*

*The California Air Resource Board can regulate vehicles already in use, and is currently finalizing an in-use truck and bus rule and a nonroad construction rule that will require engines to be retrofit or upgraded by certain dates to improve air quality.*

## **6. Support new technology with the Ports**

*EPA Region 9 needs to support the efforts of Jesse Marquez as he works to bring MagLev technology to the ports. We need EPA commitment and support for new technology like locomotive and ship hoods (e.g., Advanced Locomotive Emission Control System (ALECS) and Advanced Marine Emission Control System (AMECS). The Coalition for a Safe Environment (CFASE) requests that EPA submit to the Port of Los Angeles and the Port of Long Beach Boards of Harbor Commissioners letters recognizing the technical and economic feasibility of, and supporting the approval of, a MagLev Train Demonstration Project. CFASE requests that EPA submit similar letters to the ports acknowledging the feasibility of, and in support of, the ALECS and AMECS technologies.*

*Response: EPA is not able to endorse one technology over another; however we continue to support the development of new technology at the ports and throughout the goods movement corridors in southern California. EPA Regional Administrator Jared Blumenfeld met with MagLev representatives in November 2010 to learn more about this technology and its applications. We support and participate in the ports of LA and Long Beach's Clean Air Action Plan (CAAP), which includes the Technology Advancement Program (TAP). The LA and Long Beach ports continue to implement emerging technology demonstration projects, including the installation of seawater scrubbers for container ships, and the AMECS bonnets to capture emissions from ship stacks. The CAAP includes a goal for implementing Zero Emission Container Movement Systems (ZECMS) technology. In 2009, the ports released a Request for Concepts and Solutions to design, build, finance, operate and maintain ZECMS, which included a set of minimum operational and financial parameters for the project. A panel of experts from a variety of stakeholders reviewed all proposals and found that none of the current proposals*

met the ZECMS objectives. EPA staff will be meeting with the ports of LA and Long Beach in January 2011 to discuss ways to accelerate the implementation of ZECMS at the ports.

EPA will continue to support the development of cleaner technologies through grant mechanisms and the Clean Air Technology Initiative with the South Coast Air District and the California Air Resources Board and other federal, state, and local agencies. The goal of the Clean Air Technology Initiative is to accelerate the development and deployment of technology needed to meet air quality standards in Southern California, primarily in the goods movement sector. Through our grant programs, EPA has provided an Emerging Technology Grant to the South Coast Air District to facilitate verification of the Advanced Locomotive Emission Control System (ALECS) and the Advanced Marine Emissions Control System (AMECS) technologies being developed by Advanced Cleanup Technologies, Inc. (ACTI). ACTI is still pursuing verification of their technology but has yet to submit a final system configuration to EPA for review.

## **REQUESTS – CLEAN AIR ACT (CAA) PLANNING, RULES AND STATIONARY SOURCES**

### **7. Act on the December 10, 2009 Petition (Procedures to Amend a State Implementation Plan (SIP))**

EPA Region 9 should act on the petition submitted by a coalition of EJ groups in December to EPA in which EPA is asked to restate that federal CAA requirements for creation and use of emission offsets must be included in the SIP before they can be used to meet CAA.

*Response:* On September 23, 2010, EPA Administrator Lisa Jackson signed a letter denying the petitioners' request. EPA determined that it was not necessary, as the petition claimed, for the South Coast Air Quality Management District to obtain a SIP revision prior to granting permits that relied on allocations of District-controlled emission reduction credits.

### **8. Title V Refinery Permits**

Communicate status of refinery Title V permits and verify compliance. CFASE requests that EPA review the Title V Permit process and require Title V facilities to reduce emissions and use Maximum Achievable Control Technologies (MACT).

*Response:* Region 9 staff have reviewed and commented on all of the South Coast's Title V refinery permits. The South Coast Air Quality Management District (SCAQMD) staff worked with us to address all of the issues EPA raised. Under the title V program, facilities must report their compliance both annually and semiannually. In addition, prior to issuance of a title V permit, the facility must certify that it is in compliance or on a schedule to compliance with all applicable Clean Air Act requirements. Clean Air Act applicable requirements include conditions from construction permits issued under a State Implementation Plan, New Source Performance Standards, and all applicable MACT requirements. In addition, SCAQMD emphasizes assuring that refineries comply with the requirements in Title V permits. The District has assigned inspectors to each of the six large refineries, verifying compliance on-site several days per week. EPA Region 9 also conducts periodic refinery inspections and investigations. EPA's inspections and enforcement actions are reported on the Enforcement and Compliance History Online (ECHO) database ([epa.gov/echo](http://epa.gov/echo)), which can be searched by county. Refinery-related inspection and enforcement actions can be found by limiting the search to Standard Industrial Code 2911. Additional facility-based information regarding South Coast AQMD permitting and compliance activities can be found at <http://www.aqmd.gov/webappl/fim/default.htm>.



## 9. Review Title V Permit Process

CFASE requests that EPA review the Title V Permit process and require Title V facilities to reduce emissions and use Maximum Achievable Control Technologies (MACT).

*Response: EPA agrees that MACT should be used at refineries, and as such, EPA has issued many MACT standards that apply to refineries. As part of our Title V and enforcement reviews, EPA, and other enforcement agencies like SCAQMD, consider these standards to be among the most important that we enforce because of the potential impact to nearby communities if emissions exceed permit allowances.*

## 10. Rule 1118 on flaring

EPA Region 9 should review and participate in AQMD's proposed revision to Rule 1118 on flaring.

*Response: EPA intends to review and participate in any proposed revisions to Rule 1118, which we believe South Coast Air Quality Management District plans to consider in early 2011.*

## 11. Eliminate flaring at South Coast refineries

The Shell refinery in Richmond has virtually eliminated flaring. Other refineries should be able to do the same. Can EPA provide support to eliminate flaring at the South Coast refineries? Vapor recovery systems should be Best Available Control Technology (BACT) at all refineries.

*Response: SCAQMD and Bay Area AQMD both have strong rules that are designed to minimize flaring. The flare minimization plans required by the Bay Area AQMD are also required by South Coast AQMD's Rule 1118. If the Shell refinery has adopted procedures that limit flaring to a greater extent than required by those rules, we would consider those procedures and technologies during the updates to the South Coast AQMD's flare rules, as well as in BACT decisions. EPA is also in the process of gathering information to support revisions to the requirements for flaring in the national standards (NSPS and NESHAP). More information can be found at <http://www.federalregister.gov/articles/2010/09/29/2010-24424/agency-information-collection-activities-proposed-collection-comment-request-information-collection>.*

## 12. Overall approach for working with refineries to be better community neighbors

We need an overall approach for working with refineries to be better community neighbors. EPA should convene people working on refinery issues to take an overall approach to cleaning them up and making them be better neighbors (flaring, refining of crude feedstock). Can EPA convene stakeholders that have worked on refinery issues and develop an overarching approach for clean up and improving the neighborhoods that house the facilities?

*Response: in progress*

## 13. Participate in South Coasts' Air Quality Management District (AQMD) development of rule for secondary lead smelters

South Coast AQMD has submitted its proposed designation of non-attainment for the new lead standard; EPA should review it and act upon it quickly. AQMD is creating a new regulation specific to the two secondary lead smelters within the district- we need EPA's support and participation in the development of this rule (AQMD Proposed Rule 1420.1).

*Response: In October 2009, EPA received California's recommendation to designate a portion of Los Angeles County within the South Coast Air Basin as a nonattainment area for the 2008 lead National Ambient Air Quality Standard. On June 14, 2010, EPA informed Governor Schwarzenegger that it concurred with the State's recommendation. On November 16, 2010,*

EPA Administrator Lisa Jackson sent a letter to Governor Schwarzenegger confirming the final nonattainment designation for that portion of Los Angeles County. State and local governments must develop detailed plans that demonstrate how they will meet the lead standards for areas that are nonattainment. Those plans are known as state implementation plans, or SIPs. States must submit their plans to EPA within three years after the effective date of EPA's final designations. South Coast Air Quality Management District is currently developing rules to reduce lead emissions within the nonattainment area.

#### **14. Support AQMD Proposed Rule 1420.1**

AQMD is creating a new regulation specific to the two secondary lead smelters within the district. We need EPA's support and participation in the development of this rule (AQMD Proposed Rule 1420.1).

*Response: Based on our preliminary review, we believe that the SCAQMD 1420.1 rule, adopted by the District in November 2010, is a well-written rule with the most stringent requirements in the country. The rule has not yet been submitted to EPA for a formal review. Once the rule is submitted to EPA, we will publish a proposed finding on the rule for public comment within 250 days. We expect the rule to be submitted to us in early 2011. EPA's proposed findings will be posted on the Federal Register Website at <http://www.gpoaccess.gov/fr/index.html>.*

### **REQUESTS – INDOOR AIR, CHILDREN'S HEALTH AND SCHOOLS**

#### **15. Promulgate indoor air quality standards for schools and daycare centers**

CFASE requests that EPA initiate a rulemaking process to establish indoor air quality standards for public schools, child care centers, and other sensitive receptor facilities.

*Response: EPA's primary authority related to indoor air quality is contained in Title IV of the Radon Gas and Indoor Air Quality Research Act of 1986. That authority authorizes a range of research and related information dissemination activities but specifically precludes EPA from regulating indoor air quality [SEC. 404. CONSTRUCTION OF TITLE. Nothing in this title shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and related reporting, information dissemination, and coordination activities specified in this title.] Although EPA does not have authority to regulate indoor air directly, a number of other statutes do authorize activities related to indoor air quality. These include authorities for regulating chemicals (TSCA), pesticides (FIFRA), and responding to releases or threatened release of a building product that causes exposure indoors if EPA determines it constitutes a public health or environmental emergency (CERCLA). In addition, in December 2007, Congress enacted the Energy Independence and Security Act (EISA) of 2007, comprehensive legislation designed to address a wide range of energy and related issues. Among the provisions included in the Act was a requirement that EPA develop, in consultation with the Secretaries of the Departments of Education and Health and Human Services -- model guidelines for the siting of school facilities, as well as voluntary guidelines for use by States in developing and implementing environmental health programs for schools. The draft voluntary school siting guidelines are available for public review and comment until February 18, 2011 at <http://www.epa.gov/schools/siting/>. EPA is currently working on developing guidelines for States on environmental health programs for schools.*

#### **16. Call Los Angeles Unified School District (LAUSD) about Central School Number 13**

Can USEPA call the superintendent of LAUSD and inquire about the status of the clean up at

Central School No. 13?

*Response: Regional Administrator Blumenfeld made the call.*

### **17. Close homes that are receiving lead remediation**

U.S. EPA is going to be reviewing sites that house children that contain lead. USEPA should recommend that they are completely closed until the lead is remediated.

*Response: The EPA does not require that homes be vacant while having lead remediation (also known as abatement) work done, but there are measures that need to be taken to protect families from exposure. This response describes the EPA's lead-based paint program, how California's regulations may also address concerns and what families and the community can do to protect themselves from exposure to lead-based paint hazards.*

*Lead-based paint is the primary source of lead poisoning for children in the US. Lead-based paint that is intact and undisturbed is not itself a hazard. However, when paint peels, chips, or becomes dust (for example, when painted surfaces bump or rub together, like on doors or windows) then it can become a hazard for the people who live in the house. There are simple lead-safe work practices that abatement workers are trained to use to reduce and contain any hazards created while working in areas where lead-based paint is present. Lead abatement projects are relatively rare, however, while renovation, repair and painting projects happen frequently and may cause exposure to lead hazards. Rules that went into effect in 2010 require renovators, remodelers, and painters to be trained and certified in lead-safe work practices and use similar containment practices as abatement workers. US EPA Region 9 is very interested in receiving tips and complaints from the community when they witness work that is being performed unsafely.*

*Submit a tip or complaint to EPA if you witness unsafe work practices. We will work with other agencies as appropriate to help address the problem and will send a warning letter to the contractor. Visit [www.epa.gov/region9/lead](http://www.epa.gov/region9/lead) to submit a complaint.*

#### **US EPA Lead-Based Paint Program**

*The Residential Lead-Based Paint Hazard Reduction Act of 1992, which amended the Toxic Substances Control Act (TSCA), provides a few ways for the US EPA to work to eliminate childhood lead poisoning caused by lead paint. In short, the US EPA:*

- 1. requires landlords and property sellers to inform tenants and buyers about the hazards of lead-based paint and to disclose any knowledge of lead-based paint on the property (Disclosure Rule);*
- 2. provides for a certification program for abatement workers and other lead professionals (in California, the state Childhood Lead Poisoning Prevention Branch runs this program); and*
- 3. requires renovation, remodeling and painting contractors be trained and certified in lead-safe work practices and to use those practices when disturbing lead-based paint (Renovation, Repair and Painting Rule).*

*Enforcement of the above rules is performed through inspections and other investigations. When inspections identify violations, the violations are required to be addressed. In addition, a penalty may be imposed and/or a project may be performed to reduce exposure to lead-based paint hazards.*

*US EPA Region 9 is actively enforcing these regulations in the LA area. We have conducted inspections in recent months to ensure compliance with these rules.*



*The US EPA Region 9 office selects inspection targets using the following factors:*

- *housing age (older housing has more lead-based paint)*
- *housing condition (housing in poor condition has more lead hazards)*
- *housing population (low-income populations and communities of color experience more lead poisoning)*
- *housing ownership or management (inspections should impact a large number of housing units)*
- *renovation, repair and painting companies that perform work in housing described above.*

*US EPA also works to educate communities and professionals about lead-safe work practices, certification requirements and how to protect families from lead in the home.*

### **State of California**

*The State of California also has regulations aimed at preventing lead poisoning caused by lead-based paint. Call local health agencies or building departments if you suspect a problem or have a lead poisoned child. Visit the compliance page at [www.cdph.ca.gov/programs/CLPPB/](http://www.cdph.ca.gov/programs/CLPPB/) for a list of California contacts.*

### **Residents and Community**

*If there are lead-based paint hazards in a home, there are a few things that the residents can do to protect themselves. In many cases, the family can safely stay in the home even while abatement, renovation, repair, or painting work is conducted, as long as the work area is properly contained and cleaned. Certified abatement, renovation, repair, or painting professionals are well trained in setting up the work area to prevent contamination of the rest of the home or building. Ask to see a copy of the lead based paint certification from the abatement, renovation, repair, or painting professional before they begin their work. Beyond having the lead-based paint abated, families can do the following things to reduce exposure to lead-based paint hazards:*

- *Clean floors, window frames, window sills and other surfaces weekly using an all-purpose cleaner and warm water; be sure to rinse sponges and mops frequently when cleaning dirty or dusty areas. Pay close attention to areas with chipping or peeling paint.*
- *Wash children's hands often, especially before they eat and before nap and bed times.*
- *Prevent children from chewing on painted surfaces.*

## **18. Weigh in on national school siting policy**

EPA, Region 9 should weigh in on the national school siting policy being developed by the Office of Children's Health, making sure that the guidance recommends that schools are sited on clean lands not needing ongoing remediation or deed restrictions. Historically, the process of school districts purchasing contaminated sites with the promise of cleaning them up has not been the most protective. School districts do not have the scientific expertise, or consistent staff to monitor sites with environmental threats. Park Elementary and Jefferson Middle School are examples. The model for why we should never allow this protocol is LAUSD Central #13 Elementary School (Title 1 School).

*Response: EPA Region 9 participated on the workgroup that developed the draft national school siting guidelines. The draft guidelines are available for public comment until February 18, 2011; they are available at: <http://www.epa.gov/schools/siting/>. Public input is critical to ensuring that we meet our goal to assist communities and local officials understand and carefully consider critical environmental issues when making school siting decisions. Please see the Frequently Asked Questions section of the school siting guidelines webpage for answers to questions about the guidelines that relate to contaminated sites. If you would like to discuss concerns regarding the school siting guidelines with someone at EPA, Region 9, you can contact*

Kathleen Stewart, Regional Children's Environmental Health Coordinator, at [stewart.kathleen@epa.gov](mailto:stewart.kathleen@epa.gov) or (415) 947-4119. A listening session is being planned by community groups in California on February 1st, regarding school siting issues, and we look forward to participating in such a session.

## REQUESTS – RISK ASSESSMENT

### 19. Add uncertainty factors for EJ and children's health in residual risk assessment

There are incomplete toxicity profiles for many hazardous air pollutants. In forthcoming rules to address residual risk, these gaps in toxicity information will result in an underestimation of risk. EPA should add an uncertainty factor of 10 for EJ and 10 for children.

*Response: The Clean Air Act requires EPA to conduct risk assessments on each industrial source category subject to Maximum Achievable Control Technology standards under the Clean Air Act, and to determine if additional controls are needed to reduce "residual" risks. To evaluate these residual risks, EPA relies primarily on dose-response risk assessments and values developed through EPA's Integrated Risk Information System (IRIS). IRIS is a human health risk assessment program that evaluates risks that may result from exposure to environmental contaminants. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities. The IRIS database contains information for more than 540 chemical substances.*

*Most of the 187 hazardous air pollutants regulated by EPA under Section 112 of the Clean Air Act have been thoroughly evaluated through EPA's Integrated Risk Information System (IRIS). Hazardous air pollutants can cause cancer or non-cancer health effects such as asthma or reproductive problems. Pollutants that cause cancer are referred to as carcinogens. For the narrow group of carcinogens that act through a mutagenic mode of action (meaning they alter the DNA), EPA has developed a policy to apply a 10-fold increase in cancer potency when assessing risk to infants, age 0-2 years old, and a 3-fold increase for children age 2-16 years old. Thus, an additional Age Dependent Adjustment Factor is applied in lifetime residual risk evaluations for hazardous air pollutants that have been determined to cause cancer through a mutagenic mode of action (see [EPA's 2005 Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens](#)). EPA does not adjust cancer potency factors for hazardous air pollutants that act as carcinogens through a different or unknown mode of action.*

*For the remaining hazardous air pollutants that have not undergone an IRIS assessment, EPA uses a consistent prioritization order for evaluating risks using values developed by other agencies. For pollutants lacking a current IRIS assessment for chronic noncancer health effects, EPA selects values developed by the Agency for Toxic Substances Disease Registry, followed by values developed by the California EPA. For pollutants lacking an IRIS assessment for cancer, EPA uses values developed by the California EPA. Values developed by the California EPA often have additional adjustment factors incorporated to address the differences in toxicity between children and adults.*

*If you would like to comment on individual residual risk assessments for hazardous air pollutants, a schedule for proposal and promulgation is available at: <http://www.epa.gov/ttn/atw/risk/rtrpg.html>.*

*In October 2010, EPA staff convened a Human Health Risk Assessment Colloquium to discuss*

several risk assessment reports and recommendations by the National Academy of Sciences, as well as Administrator Jackson's priorities of Children's Health and Environmental Justice. The Colloquium brought together over 120 risk assessors from across EPA to consider the recommendations of the reports. The Colloquium included input from senior Agency managers and representatives from the Office of Children's Health Protection and the Office of Environmental Justice. One of the reports discussed was [Science and Decisions: Advancing Risk Assessment](#) (2009). Among many other recommendations, this report advocates considering extending the use of default Age Dependent Adjustment Factors. Currently a draft Action Plan for Advancing Human Health Risk Assessment is being developed and refined based on the discussions at the Colloquium. The plan will outline proposed activities for the short, intermediate, and longer terms with respect to the recommendations of the National Academy of Sciences.

You may find [a recent letter from the Children's Health Protection Advisory Committee, as well as EPA's response](#) of interest.

## **20. Cumulative Impacts versus traditional risk assessment**

The Agency is stuck in a paradigm behind risk. How do we find a forum for addressing this? The EPA's Environmental Justice and Disproportionate Impacts Symposium didn't help, so far EPA has just proposed creating a better mousetrap for risk assessment as it's usually done.

*Response: EPA Region 9 recognizes that there is a gap in the Agency's risk assessment paradigm that neither accounts for health disparities as determined by socioeconomic status nor the cumulative impacts from multiple stressors. We offer two recent developments that indicate progress: the Administrator's charge to the National Academies of Science with regard to incorporating sustainability in the work we do, and a recent funding announcement by the Office of Research and Development for cumulative health impacts research opportunities.*

### **Sustainability Charge to the National Academies of Science**

EPA Administrator Jackson recently addressed the National Academies of Sciences (NAS) and charged the NAS to advise EPA on how best to incorporate sustainability into the day to day work of the Agency.

*In doing so, the Administrator called out the Agency's risk paradigm:*

*"This is not the first time EPA has been called to approach environmental protection through a new lens [sustainability]. In 1983, the National Academies took the unprecedented step of convening the best scientific minds to codify the concept of risk into EPA's daily work.*

*As then-Administrator Bill Ruckelshaus said, that guidance would "help achieve a better conceptual, statutory, and societal framework to cope with risk in our country."*

*Today, we have opportunities to do more than "cope." Risk assessment and management will always be essential components of our daily work. But our work must evolve along with our understanding of complexity and the recognition that sustainability is the next step forward [emphasis added]. Administrator's November 30, 2010 remarks to the National Academies of Science. See full remarks here:*

<http://yosemite.epa.gov/opa/admpress.nsf/8d49f7ad4bbcf4ef852573590040b7f6/1c893e457b3cbb25852577ec0054048c!OpenDocument>

### **Funding for Cumulative Human Health Risk Assessment Research**

As part of the Science to Achieve Results (STAR) research grants program, the EPA has awarded \$7 million to fund cumulative human health risk assessment research. Scientists around the

country will study a combination of harmful factors affecting human health, including research on poor and underserved communities with extensive pollution-based problems. This research will focus on environments where people are exposed to multiple stressors such as chemicals, anxiety, and poor nutrition. When these stressors are combined, they can lead to a much higher risk of health issues.

The STAR grants will research both societal and environmental factors including:

- Combined effects of metals and stress on central nervous system function
- Disparities in air pollutant risks
- Effects of stress and traffic pollutants on childhood asthma
- Cumulative risk assessments in urban populations and low-income communities near a Superfund site
- Strategies for assessing cumulative effects of chemical and nonchemical stressors

More information on the grant awards: <http://www.epa.gov/ncer/cumulativerisk>

More information on cumulative risks: <http://epa.gov/ncer/cbra/>

## **REQUESTS – SUPERFUND SITES, COMMUNICATIONS AND DECISION-MAKING**

### **21. Provide an update on Pemaco**

EPA Region 9 needs to provide the community with an update on the Pemaco Superfund Site including a timeline and plan for complete remediation of the site and adjacent contaminated sites. EPA needs to better coordinate with the LA Regional Water Quality Control Board.

*Response: EPA is planning a community meeting for January 25, 2011, and plans to set up additional separate meetings with interested stakeholders during that week. EPA will post on our website and mail out updated technical files to summarize data generated over the past 18 months prior to this meeting. EPA will continue to coordinate with the LA Regional Water Quality Control Board on the adjacent State-lead site.*

### **22. Review how CI plans are developed**

Community involvement plans need to be developed collaboratively with community input, not done for them or to them. Plans need to be implemented.

*Response: EPA Region 9's Community Involvement Section will begin revising many of our Community Involvement Plans (CIPs) in partnership with communities. We agree that the goal of the CIP is to reflect an understanding of community concerns and to plan EPA's involvement strategies around these concerns. Strategies can include providing technical assistance, developing effective communication strategies, determining the need for a neutral facilitator, and building partnerships with local organizations that may become an important part of the involvement process. The CIP provides a roadmap for involvement based on the community's needs. The CICs for NPL sites in the I-710 region will work with communities in 2011 to revise the CIPs.*

### **23. Training for EPA Community Involvement Coordinators**

Community Involvement Coordinators should be trained by community members who have worked with toxic sites. Real people in the communities have experienced both the pros and cons of what EPA has to offer.

*Response: In response to this request, we will pilot community-based training for Superfund site teams (remedial project managers, EJ staff, and community involvement coordinators)*

who work with environmental justice communities in the I-710 region. The training will be provided by a local non-profit organization in collaboration with community partners from I-710 region and will focus on community-based participation methods and feedback for how EPA employees can engage with communities more effectively. We anticipate holding the training in early 2011.

#### **24. Securing of toxic material at sites**

EPA should secure toxic materials better at superfund sites. For example the DDT at Del Amo needs to be contained by something better than plastic.

*Response: There is no DDT currently stored at the Del Amo site; there is DDT stored on the Montrose Plant Property from the Kenwood removal action. This material is stored in RCRA compliant cells sealed with a high density polyethylene cover and liner, with a surrounding berm, that are routinely inspected and maintained. No releases have occurred from this storage area.*

#### **25. Support the proposed 204<sup>th</sup> St. Park via the America Great Outdoors initiative or other means**

DAAC requests that EPA commit to meet and discuss how the proposed park on 204<sup>th</sup> Street could fit into and benefit from EPA's America's Great Outdoors program.

*Response: EPA has been working with DAAC, the Potentially Responsible Parties (PRPs) and local agencies, as well as non-profits, for several years so that a park can be created on 204<sup>th</sup> Street. EPA and the State of California have written letters indicating the area is appropriate and safe for use as a park. We are developing a partnership to bring EPA, DAAC and other agencies together to identify opportunities and resources to enable park creation and facilitate this resource coming to fruition for the community.*

#### **26. Containing the Del Amo contamination**

How long is it going to take to get the groundwater contamination plumes at the Del Amo site within the containment zone?

What would it take to get the containment zone out of the community or the community out of the containment zone?

*Response: It will take approximately 50 years for groundwater outside of the containment zone to meet cleanup goals. Groundwater inside of the containment zone will be pumped indefinitely. We are currently reviewing the Feasibility Study prepared by Montrose Chemical Company, which identifies alternatives for DNAPL cleanup that could result in a smaller containment zone. EPA is preparing additional analysis of soil gas data in the containment zone area, to demonstrate that a threat is not posed to the community. This information will be distributed to nearby residents and posted on EPA Region 9's Superfund website ([epa.gov/region09/superfund](http://epa.gov/region09/superfund)).*

#### **27. Briefing request for long term plan for Del Amo Site, technical memoranda and decision-making**

DAAC requests that EPA cease altering the Del Amo Record of Decision (ROD) with technical memoranda.

DAAC requests a formal briefing from EPA on their internal decision-making processes, including the use and role of these Technical Memoranda. DAAC also requests an explanation about how



the public can engage in an effective and meaningful way in these decision-making processes.

DAAC requests a commitment from EPA to identify the process by which the agency will review and incorporate public comment when going through internal decision-making processes, such as those that have occurred when using Technical Memoranda.

DAAC requests a formal briefing from EPA on the big picture of how all of the pieces fit together. This should include a discussion of the status, processes, and timelines for the Del Amo soil remediation through the ROD, the groundwater treatment through the remedial design, the soil characterization at the Montrose site, the Jones Chemical site investigation, and anything else of importance.

DAAC requests that EPA prepare and present to the community a 40-year plan on the future of this site. The plan should include a discussion of how and when EPA will choose site remediation and treatment system technologies.

*Response: On December 9, 2010, EPA met with and explained to DAAC that no decision to change the remedy has been made yet. We described and clarified how technical memoranda are used throughout the remedial design process to document work being done as part of the design. The community will be given the opportunity to review and comment on an upcoming report that will assess possible changes needed in the treatment process, based on the results of pilot testing. If a change is recommended that impacts the Record of Decision (ROD), and an Explanation of Significant Differences (ESD) or ROD Amendment is needed, we would consult with the community. Technical memoranda will continue to be posted to the website and made available to DAAC.*

*We are actively engaged with DAAC on how to best address their community engagement needs. We have a Community Involvement Coordinator located in our Southern California Field Office to be closer to the community. We have begun a series of meetings to discuss a possible partnership or other means of working together. On December 9, members of EPA's Montrose technical team came to LA to meet with DAAC and update them on the remedial design for groundwater and our draft responses to comments on the Del Amo OU1 Soils and NAPL Proposed Plan. We continue to update our website and put any documents that we prepare on it for the community to review. The 40 year plan will be something EPA and DAAC can work on together as we move forward.*

## **REQUESTS – LAND USE AND GREEN ZONES**

### **28. Support Green Zones policies**

The LA Collaborative for Environmental and Health Justice would like to be able to inform City of Los Angeles decision makers that 1) it is working in partnership with the EPA to develop and implement community revitalization strategies within the proposed Green Zones and 2) the EPA will engage other federal agencies in that partnership.

EPA will explore the provision of specific resources to move a local Green Zone demonstration effort forward in Los Angeles:

- resources for cleaning up/greening up small businesses within the proposed Green Zone areas (loans, grants, technical assistance, etc.)
- resources for the coordination of technical and financial assistance from federal, state and local agencies within the Green Zone areas
- resources for Collaborative organizations to continue organizing and educating the public

around CI issues, and to reach out to local businesses, etc.

The philanthropic community needs a strong signal from EPA in order to remain engaged in supporting this type of work. Resources from federal agencies, such as those described above, will help leverage private resources to the local Green Zone demonstration initiative.

EPA will explore other partnership possibilities between the LA Collaborative and the EPA related to the provision of incentives to businesses to implement this work include:

- brownfield program and leveraging money
- private funding to help transform cities
- EPA list of funding opportunities

Explore the kind of leadership role EPA should play in the Green Zone initiative. Consider the following:

- convening other agencies to develop a collaborative approach to federal involvement in the Green Zone initiative
- an executive order, reconvening to see how agencies can work together
- development of a federal directory to help community locate and access resources

*Response: EPA Region 9 has agreed to participate in the California Environmental Justice Alliance Green Zones Workgroup to explore ways to target federal resources to communities that are socially vulnerable and/or disproportionately impacted by pollution. EPA Region 9 invited CEJA Board Members to a meeting of the Federal Regional Council on September 15, 2010, to present the Green Zones proposal, and will continue to facilitate discussions between CEJA and our federal partners. Similarly, we will partner with the Los Angeles Collaborative for Environmental Justice and Health in the Clean Up Green Up campaign. See letter from Jared Blumenfeld dated January 24, 2011.*

## **29. Use a CARE-like approach for Green Zones projects**

Can we use a CARE-like approach for green zone projects? Communities need investment of grant resources that go beyond capacity-building--the EJ communities in LA have capacity, they need resources for action.

*Response: EPA's Community Action for a Renewed Environment program and the success that close to 100 CARE communities across the country have enjoyed offer many lessons for the green zones effort. Within the limit of funding provided to us by Congress for this program we will do our best to model promising CARE practices in other key places in the Region.*

## **REQUESTS – EJ SCREENING TOOLS**

### **30. EPA should support the EJ Screening Method (EJSM)**

In light of the importance of the EJSM (Pastor et al) to the proposed Green Zone initiative in Los Angeles and the significance of EPA's opinion among local decision-makers, EPA should endorse this tool.

EPA needs to apply the screening tool proactively--emphasis should be placed on areas of disproportionate impact and limited capacity.

*Response: The Region commends the work of researchers Manuel Pastor, James Sadd and Rachel Morello-Frosch for their work to develop the EJ Screening Method (EJSM). EPA has provided a small amount of financial support towards this effort and our Region has benefited*

*from this research team's advice in the development of the Region's Social Vulnerability Index. While we can't formally endorse the use of this screening method at this time, EPA headquarters is committed to developing a consistent screening approach for environmental justice as part of the EJ 2014 effort. The Region is actively engaged in this national effort and we are using the information and lessons learned from the work of these researchers to inform this national effort. We also anticipate the flexibility to use the EJSI as appropriate at the Regional level to supplement the national screening approach.*

## **REQUESTS – GRANTS**

### **31. Ensure Community Action for a Renewed Environment (CARE) Grants go to organizations connected to the affected communities**

EPA should make sure CARE grants get to organizations that are actively and authentically engaged with the affected communities.

*Response: An organization's historic connection to the affected community is included in the evaluation criteria for the CARE grant review process, so applicants demonstrating a connection will receive a higher score than those that do not. EPA reviewers, in order to comply with the Agency's grants competition policy, rely on the information provided in the applicant's proposal.*

## **REQUESTS - PESTICIDES**

### **32. Reevaluate methyl-iodide registration decision**

U.S. EPA needs to reevaluate its registration of the pesticide methyl-iodide.

*Response: U.S. EPA's decision to register methyl-iodide was made at the national level. There are no plans for U.S. EPA to re evaluate this decision in the near term. A registration review of methyl iodide and all of the soil fumigants is scheduled to begin in 2013. See the following website for more information about our registration decision:  
[http://www.epa.gov/pesticides/factsheets/iodomethane\\_fs.htm](http://www.epa.gov/pesticides/factsheets/iodomethane_fs.htm)*

*EPA's Office of Pesticide Programs has been petitioned to begin an immediate re-evaluation of methyl iodide. EPA has the option of responding to petitions or not and it has the option of taking public comment on a petition prior to responding. The California DPR has registered methyl iodide. See  
[http://www.cdpr.ca.gov/docs/registration/methyl\\_iodide.htm](http://www.cdpr.ca.gov/docs/registration/methyl_iodide.htm)*

## APPENDIX 1: List of Participants

Name	Organization
Lisa Garcia	US EPA
Jared Blumenfeld	US EPA
Teddy Ryerson	US EPA
Steven John	US EPA
Deborah Jordan	US EPA
Deldi Reyes	US EPA
Clancy Tenley	US EPA
Zoe Heller	US EPA
Ashlyn Vander Woude	US EPA (Intern)
Matthew Lakin	US EPA
Gale Filter	DTSC
Florence Gharibian	DTSC
Yolanda Garza	DTSC
Maya Akula	DTSC
Paula Rasmussen	LA RWQCB
Cynthia Marvin	ARB
Michelle Shultz Wood	ARB
Alicia Rivera	Communities for a Better Environment
Andrea Hricko	University of Southern California
Angela Johnson Meszaros	California Environmental Rights Alliance
Angelo Logan	East Yard Communities for Environmental Justice
Bill Gallegos	Communities for a Better Environment
Casey Berkovitz	LA Mayor Office (Intern)
Cynthia Babich	Del Amo Action Committee
Elva Yanez	Policy Coordinator for LA Cumulative Impacts Initiative
Isella Ramirez	East Yard Communities for Environmental Justice
Jackie Martinez	Comite Pro Uno
Jane Williams	California Communities Against Toxics
Jesse Marquez	Coalition for a Safe Environment
Jocelyn Vivar	East Yard Communities for Environmental Justice
Joe Lyou	California Environmental Rights Alliance/ SCAQMD
Julia May	Communities for a Better Environment
Manuel Pastor	USC
Maya Golden-Krusner	Communities for a Better Environment
Michelle Prichard	Liberty Hill Foundation
Nury Martinez	Pacoima Beautiful
Penny Newman	Center for Community Action and EJ
Robina Suwol	California Safe Schools
Romel Pascual	LA Mayor Office